

## CONSEQUENCES OF UNDERAGE DRINKING AND DRIVING

In New Jersey, you must be 21 to purchase, possess or consume alcoholic beverages. Underage drinking is illegal and can have severe consequences for young people who drink and for adults who provide alcoholic beverages to those under 21.




If you are under 21 and you buy or drink alcohol in a place with an alcohol beverage license, you may be fined \$500 and lose your license for 6 months. If you do not have your driver's license, the suspension starts when you are first eligible to receive a license. Also you may be required to participate in an alcohol education or treatment program.

If you are under 21 and drive with any detectable amount of alcohol in your system (.01 BAC or above), you will be subjected to the following penalties:

Loss or postponement of driving privileges for 30 to 90 days  
15 to 30 days of community service  
A person shall satisfy the program requirements of an Intoxicated Driver Resource Center or participation in a program of alcohol education and highway safety



### A Drink is a Drink is a Drink

	Beer	Wine	Alcohol
			
Volume	12 oz.	5oz.	1 1/3
Percent Alcohol	4.5%	11%	40%
Amount Alcohol	.54 oz.	.55oz.	.53oz.

Source: NHTSA

## DRIVING WITH A SUSPENDED LICENSE DUE TO DRIVING UNDER THE INFLUENCE

A fine of \$500\*  
10 to 90 days imprisonment\*  
1 to 2 years added license suspension\*  
If you have an accident and someone is hurt while your license is suspended, you face a mandatory 45 day jail sentence\*  
Revocation of motor vehicle registration\*

### REFUSAL TO SUBMIT TO BREATH TEST

1st offense - \$250-\$500 fine and a license suspension of not less than 7 months or more than one year.  
2nd offense - \$250-\$500 fine and a 2-year license suspension\*  
3rd offense - \$250-\$500 fine and a 10-year license suspension\*  
Automobile insurance surcharge of \$1,000 a year for 3 years for 1st and 2nd offenses, \$1,500 for 3rd offense  
\$100 surcharge to be deposited in a drunk driving enforcement fund  
Reference to an Intoxicated Driver Resource Center

### POSSESSING AN OPEN CONTAINER IN THE PASSENGER COMPARTMENT

1st offense - \$200  
2nd offense - \$250 fine or 10 days of community service



**NJ OFFICE OF THE ATTORNEY GENERAL**  
**DIVISION OF HIGHWAY TRAFFIC SAFETY**  
140 East Front Street • 7th Floor  
P.O. Box 048 • Trenton, NJ • 08625-0048  
Tel: 609.633.9300 • Fax: 609.633.9020

800.422.3750 • [www.njsaferoads.com](http://www.njsaferoads.com)

# Driving Under the Influence in New Jersey

## LAWS AND PENALTIES



**NJ OFFICE OF THE ATTORNEY GENERAL**  
**DIVISION OF HIGHWAY TRAFFIC SAFETY**

## THE LAW

### Definition of Impairment

In New Jersey, a person who operates a motor vehicle with a Blood Alcohol Concentration (BAC) of 0.08 percent or greater is guilty of drunk driving. BAC refers to the amount of alcohol in your blood. Although the law refers to a 0.08 percent BAC, you can be convicted of driving while under the influence of intoxicating liquor even when your BAC is below 0.08 percent. Consuming even small amounts of alcohol dulls the senses, decreases reaction time, and hampers judgement, vision and alertness. If you consume any amount of alcohol and your driving is affected, you can be convicted of driving under the influence. It is also a violation for a person to operate a motor vehicle under the influence of a narcotic, hallucinogenic or habit producing drug. You can also be convicted for allowing another person to operate a motor vehicle when that person does so in violation of the driving under the influence (DUI) law. Following is a summary of the penalties that result when a person is convicted of violating New Jersey's DUI law.

## THE PENALTIES

P.L. 2003, CHAPTER 314 created two categories for first time offenders based on BAC levels. Parameters for the two categories and corresponding penalties are as follows:

### 1st Offense

If the person's BAC is 0.08 percent or higher but less than 0.10 percent, or if the person operates a motor vehicle while under the influence of intoxicating liquor, or if the person permits another person who is under the influence of intoxicating liquor or who has a BAC over 0.08 percent but less than 0.10 percent to operate a motor vehicle, the penalties are as follows:

A fine of \$250-\$400\*

Possible imprisonment for up to 30 days\*

3 - month license suspension\*

A minimum of six hours a day for two consecutive days in an Intoxicated Driver Resource Center

An automobile insurance surcharge of \$1,000 a year for 3 years

If the person's BAC is 0.10 percent or higher, or the person operates a motor vehicle while under the influence of a narcotic, hallucinogenic or habit-producing drug, or permits another person who is under the influence of a narcotic, hallucinogenic or habit producing drug or has a BAC of 0.10 percent or higher to operate a motor vehicle, the penalties are as follows:

A fine of \$300-\$500\*

Possible imprisonment for up to 30 days\*

A license suspension between 7 months and 1 year\*

A minimum of six hours a day for two consecutive days in an Intoxicated Driver Resource Center

An automobile insurance surcharge of \$1,000 a year for 3 years

### 2nd Offense

A fine of \$500-\$1,000\*

Imprisonment of at least 48 consecutive hours, and up to 90 days\*

2 - year license suspension\*

An automobile insurance surcharge of \$1,000 a year for 3 years

30 days community service

### 3rd Offense

A fine of \$1,000\*

Imprisonment of 180 days\*

10 - year license suspension\*

An automobile insurance surcharge of \$1500 a year for 3 years

## Any Offense Also Carries

\$100 surcharge to be deposited in a drunk driving enforcement fund

A Motor Vehicle Commission restoration fee of \$100 and an Intoxicated Driving Program fee of \$100

A Violent Crimes Compensation Fund fee of \$50  
A Safe and Secure Community Program fee of \$75

\$100 surcharge, \$50 to State and \$50 to municipality in which conviction is obtained  
Compliance with screening, evaluation, referral, program and fee requirements of the Intoxicated Driving Program.

## REGISTRATION REVOCATION/ IGNITION INTERLOCK

In addition to the penalties listed, judges may order the installation of an ignition interlock device or the revocation of vehicle registration (Public Law 2000, Chapter 83).

The ignition interlock device, which measures the driver's blood alcohol level, may be required for up to three years following license restoration after a DUI conviction.

\* If occurring within a school zone or school crossing, this penalty is increased under Public Law 99, Chapter 185.

## DRIVING WITH A MINOR

A parent or guardian who is convicted under the DUI law and who has a minor 17 years of age or younger as a passenger in the motor vehicle is also guilty of a disorderly persons offense. In addition to the penalties otherwise prescribed by law, a person shall forfeit the right to operate a motor vehicle for a period of not more than six months and shall be ordered to perform community service for a period of not more than five days.